

CHAPTER 3

THE UNLAWFULNESS OF INDISCRIMINATELY KILLING NON- MUSLIMS AND TORTURING THEM

3.1 NO DISCRIMINATION BETWEEN THE KILLINGS OF MUSLIM AND NON-MUSLIM CITIZENS

In the preceding pages, we demonstrated in the light of the Qur'ān and prophetic traditions that Islam is a religion of peace that guarantees the protection of life, property and honour for all members of society, without any discrimination on the basis of caste, colour, race and religion. In this chapter we will establish that the protection of the life, honour and property of non-Muslim citizens living in any Islamic state or any non-Muslim country is a binding duty upon the Muslims in general and the Islamic state in particular.

On the occasion of his Last Sermon, the Prophet ﷺ said, guaranteeing the protection of life, property and honour of the whole humankind,

إِنَّ دِمَاءَكُمْ وَأَمْوَالَكُمْ وَأَعْرَاضَكُمْ عَلَيْكُمْ حَرَامٌ، كَحُرْمَةِ يَوْمِكُمْ هَذَا، فِي شَهْرِكُمْ هَذَا، فِي بَلَدِكُمْ هَذَا، إِلَى يَوْمٍ تَلْقَوْنَ رَبَّكُمْ.

‘Indeed your blood and your property and your honour are inviolable, like the inviolability of this day of yours and this month of yours and this land of yours until the day you meet your Lord’.¹

Therefore, it is completely forbidden to kill anyone unjustly, or plunder his wealth, or humiliate him or malign his honour.

Following this principle, killing Muslim and non-Muslim citizens—wherever they reside—is strictly prohibited on the basis of equality. It is clearly stated in the Qur'ān,

﴿مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا﴾

¹ Narrated by al-Bukhārī in *al-Shaḥīḥ: Kitāb al-Hajj* [The Book of Pilgrimage], chapter: ‘The Sermon During the Days of Mina’, 2:620 §1654; and Muslim in *al-Shaḥīḥ*, 3:1305–1306 §1679.

*‘Whoever kills a person [unjustly], except as a punishment for murder or [as a prescribed punishment for spreading] disorder in the land, it is as if he killed all of humanity’.*¹

This verse uses the word ‘person’ [*nafs*], which is a general expression that gives the verse a broad-based application. So in other words unjust killing is completely forbidden, no matter what religion, language or citizenship is held by the victim. This is a sin as grave as killing the whole of humanity. Therefore, the killing of non-Muslim citizens living in an Islamic state falls in the same category.

3.2 THE MASSACRE OF CIVILIAN POPULATION AND CONSIDERING IT LAWFUL IS AN ACT OF DISBELIEF

Killing a person is akin to disbelief. Imam Abū Maṣṣūr al-Māturīdī, one of the Imams of *Ahl al-Sunna*² in theology, interpreted the verse:

﴿مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا﴾

*‘Whoever kills a person [unjustly], except as a punishment for murder or [as a prescribed punishment for spreading] disorder in the land, it is as if he killed all of humanity’*³

declaring that murder can be an act of disbelief. He wrote:

مَنْ اسْتَحْلَ قَتَلَ نَفْسٍ حَرَّمَ اللَّهُ قَتْلَهَا بِغَيْرِ حَقٍّ، فَكَأَنَّمَا اسْتَحْلَ قَتَلَ النَّاسَ جَمِيعًا،
لَأَنَّهُ يَكْفُرُ بِاسْتِحْلَالِهِ قَتَلَ نَفْسٍ مُحَرَّمٍ قَتْلُهَا، فَكَانَ كَاسْتِحْلَالِ قَتْلِ النَّاسِ جَمِيعًا،
لِأَنَّ مَنْ كَفَرَ بِآيَةٍ مِنْ كِتَابِ اللَّهِ يَصِيرُ كَافِرًا بِالْكَلِّ. . . .

وَتَحْتَمِلُ الْآيَةُ وَجْهًا آخَرَ، وَهُوَ مَا قِيلَ: إِنَّهُ يَجِبُ عَلَيْهِ مِنَ الْقَتْلِ مِثْلَمَا أَنَّهُ لَوْ قَتَلَ

¹ Qur’ān 5:32.

² *Ahl al-Sunna*: Literally, the people of the prophetic practice; the orthodox, Sunni majority, represented by the theological schools of Abū al-Ḥasan al-Ash‘arī and Abū Maṣṣūr al-Māturīdī and the four Sunni schools of jurisprudence. Ed.

³ Qur’ān 5:32.

النَّاسَ جَمِيعًا. وَوَجْهٌ آخَرُ: أَنَّهُ يُلْزَمُ النَّاسَ جَمِيعًا دَفْعُ ذَلِكَ عَنِ نَفْسِهِ وَمَعُونَتُهُ لَهُ، فَإِذَا قَتَلَهَا أَوْ سَعَى عَلَيْهَا بِالْفُسَادِ، فَكَأَنَّمَا سَعَى بِذَلِكَ عَلَى النَّاسِ كَافَّةً. . . . وَهَذَا يَدُلُّ أَنَّ الْآيَةَ نَزَلَتْ بِالْحُكْمِ فِي أَهْلِ الْكُفْرِ وَأَهْلِ الْإِسْلَامِ جَمِيعًا، إِذَا سَعَوْا فِي الْأَرْضِ بِالْفُسَادِ.

Whoever declares lawful the killing of a person whose killing has been forbidden by God (except when there is a valid reason), it is as if he considers it lawful to kill all of humanity. This is because he disbelieves by his declaring lawful the killing of one whose killing is unlawful, which is akin to declaring lawful the killing of humanity entire; because the one who disbelieves in one verse from God's Book disbelieves in the whole of it. . . .

This verse contains another possible angle of interpretation, and it is as has been said: His murder of one person entails the same burden [in the Hereafter] as if he killed humanity entire. Another possible angle of interpretation is that it is necessary for everyone to make a collective effort to help and save the peaceful person from murder. So, when the murderer kills that harmless soul or attempts to harm it, it is as if he is attempting to do that to everyone. . . . This indicates that the verse was revealed as a ruling for the people of disbelief and the people of Islam together, if they sow corruption in the earth.¹

In his *al-Lubāb fī ʿulūm al-Kitāb*, Abū Ḥafṣ al-Ḥanbalī interpreted the Qurʾānic verse, 'it is as if he killed all of humanity',² and declared that the murder of one individual is comparable to the killing of all of humanity, and he quoted the sayings of different Imams in support of this position.

قَالَ مُجَاهِدٌ: مَنْ قَتَلَ نَفْسًا مُحَرَّمَةً يَصْلَى النَّارَ بِقَتْلِهَا، كَمَا يَصْلَاهَا لَوْ قَتَلَ النَّاسَ

¹ Abū Manṣūr al-Māturīdī, *Taʾwīlāt Ahl al-Sunna*, 3:501.

² Qurʾān 5:32.

جَمِيعًا. وَقَالَ قَتَادَةُ: أَعْظَمَ اللَّهُ أَجْرَهَا وَعَظَمَ وَزْرَهَا، مَعْنَاهُ: مَنْ اسْتَحَلَ قَتَلَ مُسْلِمٍ بِغَيْرِ حَقِّهِ، فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا. وَقَالَ الْحَسَنُ: «فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا»، يَعْنِي: أَنَّهُ يَجِبُ عَلَيْهِ مِنَ الْقِصَاصِ بِقَتْلِهَا، مِثْلُ الَّذِي يَجِبُ عَلَيْهِ لَوْ قَتَلَ النَّاسَ جَمِيعًا.

قَوْلُهُ تَعَالَى: «إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ وَيَسْعَوْنَ فِي الْأَرْضِ فَسَادًا أَنْ يُقَتَّلُوا أَوْ يُصَلَّبُوا أَوْ تُقَطَّعَ أَيْدِيهِمْ وَأَرْجُلُهُمْ مِّنْ خَلْفٍ أَوْ يُنْفَوْا مِنَ الْأَرْضِ ذَلِكَ لَهُمْ خِزْيٌ فِي الدُّنْيَا وَلَهُمْ فِي الْآخِرَةِ عَذَابٌ عَظِيمٌ. إِلَّا الَّذِينَ تَابُوا مِن قَبْلِ أَنْ تَقْدِرُوا عَلَيْهِمْ فَاعْلَمُوا أَنَّ اللَّهَ غَفُورٌ رَّحِيمٌ»

وَقَوْلُهُ: «يُحَارِبُونَ اللَّهَ»، أَيُّ: يُحَارِبُونَ أَوْلِيَاءَهُ، كَذَا قَدَرَهُ الْجُمْهُورُ. وَقَالَ الرَّمَحْسَرِيُّ: يُحَارِبُونَ رَسُولَ اللَّهِ، وَمُحَارَبَتُهُ الْمُسْلِمِينَ فِي حُكْمِ مُحَارَبَتِهِ. نَزَلَتْ هَذِهِ الْآيَةُ فِي قُطَاعِ الطَّرِيقِ مِنَ الْمُسْلِمِينَ. (وَهَذَا قَوْلُ أَكْثَرِ الْفُقَهَاءِ).

أَنَّ قَوْلَهُ تَعَالَى: «الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ وَيَسْعَوْنَ فِي الْأَرْضِ فَسَادًا» يَتَنَاوَلُ كُلَّ مَنْ يُوصَفُ بِهِذِهِ، سَوَاءً كَانَ مُسْلِمًا أَوْ كَافِرًا، وَلَا يَقَالُ: الْآيَةُ نَزَلَتْ فِي الْكُفَّارِ، لِأَنَّ الْعِبْرَةَ بِغُمُومِ اللَّفْظِ لَا بِخُصُوصِ السَّبَبِ، فَإِنْ قِيلَ: الْمُحَارِبُونَ هُمُ الَّذِينَ يَجْتَمِعُونَ وَلَهُمْ مَنَعَةٌ، وَيَقْصِدُونَ الْمُسْلِمِينَ فِي أَرْوَاحِهِمْ وَدِمَائِهِمْ، وَاتَّفَقُوا عَلَى أَنَّ هَذِهِ الصَّفَةَ إِذَا حُصِلَتْ فِي الصَّخْرَاءِ كَانُوا قُطَاعَ الطَّرِيقِ، وَأَمَّا إِنْ حُصِلَتْ فِي الْأَمْصَارِ، فَقَالَ الْأَوْزَاعِيُّ وَمَالِكٌ وَاللَّيْثُ بْنُ سَعْدٍ وَالشَّافِعِيُّ: هُمْ أَيْضًا قُطَاعُ الطَّرِيقِ، هَذَا الْحَدُّ عَلَيْهِمْ، قَالُوا: وَإِنَّهُمْ فِي الْمُدُنِ يَكُونُونَ أَعْظَمَ ذَنْبًا فَلَا أَقْلَ مِنَ الْمَسَاوِقِ، وَاحْتَجُّوا بِالْآيَةِ وَعُمُومِهَا، وَلِأَنَّ هَذَا حَدٌّ فَلَا يَخْتَلِفُ كَسَائِرِ الْحُدُودِ.

Mujāhid said, ‘If someone kills a soul unjustly, he will go to Hell due to that murder, just as he would have gone to Hell if he killed humanity entire’. Qatāda said, ‘God has made the reward for saving it [a life] tremendous and made the burden of sin [for taking a life unjustly] tremendous, too. This means that whoever declares it lawful for himself to kill a Muslim, it is as if he killed all

humanity'. Interpreting the same verse, al-Ḥasan al-Baṣrī said, 'This means that he is liable to legal retribution [*qiṣāṣ*] for killing it [the sinless soul] as would be the person who killed all of humanity'.

God says: *'Indeed, those who wage war against God and His Messenger and remain engaged in creating mischief in the land [i.e., perpetrate terrorism, robbery and burglary amongst people], their punishment is that they should be slain, or crucified, or their hands and their feet on opposite sides should be cut off, or that they should be exiled from the land. That is for them a humiliation in this world, and for them there is a terrible torment in the Hereafter—except those who turn to God in repentance before you overpower them. So, know that God is Most Forgiving, Ever-Merciful.'*¹

The phrase in the verse, '*yuhāribūn Allāh*' ('wage war against God'), implies that they wage war against the friends of God. That is the interpretation maintained by the overwhelming majority of scholars. Al-Zamakhsharī said, 'They wage war against the Messenger of God, and waging war against the Muslims takes the same ruling as waging war against him'. This verse was revealed about the brigands [highway robbers: *quṭṭā' al-ṭarīq*] amongst the Muslims, and [this position is held] by most of the jurists.²

Indeed, God's statement, '*Those who wage war against God and His Messenger and remain engaged in creating mischief in the land*', includes everyone who possesses these traits, whether he is a Muslim or a disbeliever. One cannot object or claim that the verse was revealed regarding the disbelievers, because the point of consideration is the generality of its expression, not the particular circumstance in which it was revealed.³ If it is

¹ Ibid., 5:33–34.

² Ḥusayn al-Baghawī, *Ma'ālim al-Tanzīl*, 2:33; and al-Rāzī, *al-Tafsīr al-kabīr*, 11:196.

³ This is a maxim of Qur'ānic hermeneutics. ED.

said that those who wage war [*muḥāribūn*] are those who join forces and who possess power and target the Muslims in their lives and wealth, and that they [the scholars] agree that if these traits are found amongst people of the desert wastelands—then they are brigands. And if these traits are adopted by a group residing in cities, al-Awzāʿī, Mālik, Layth b. Saʿd and al-Shāfiʿī all agree that they, too, are considered brigands and that the same prescribed punishment is to be applied against them. They stated that when their crimes take place in populated areas the sin is severer. They inferred this from the aforementioned verse and the generality of its expression, and because it is a prescribed punishment, and therefore it is no different from the other prescribed punishments.¹

3.3 THE KILLING OF NON-MUSLIM CITIZENS MAKES PARADISE FORBIDDEN FOR THE KILLER

The non-Muslim citizens of an Islamic state enjoy the same rights and safeguards as their Muslim counterparts. The first right endowed upon them by the Islamic state is that of protection against external aggression and domestic oppression and encroachments, so they can live their life peacefully, inwardly and outwardly.

Abū Bakra رضي الله عنه reported that the Prophet ﷺ said,

مَنْ قَتَلَ مُعَاهِدًا فِي غَيْرِ كُنْهَةٍ، حَرَّمَ اللَّهُ عَلَيْهِ الْجَنَّةَ.

‘Any Muslim who unjustly kills a non-Muslim with whom there is a peace treaty [*muʿāhad*], God will make Paradise forbidden for him’.²

¹ Abū Ḥaḍḍ al-Ḥanbalī, *al-Lubāb fī ʿulūm al-Kitāb*, 7:301.

² Narrated by al-Nasāʾī in *al-Sunan: Kitāb al-qasāma* [The Book of Apportioning Wealth], chapter: ‘The Gravity of Killing Non-Muslim Citizens’, 8:24 §4747; Abū Dāwūd in *al-Sunan: Kitāb al-jihād* [The Book of Sacred Martial Struggle], chapter: ‘Fulfilling the Contract of a Non-Muslim Citizen and the Sanctity of His Contract’, 3:83 §2760; Aḥmad b. Ḥanbal in *al-Musnad*, 5:36, 38 §§20393, 20419; al-Dārimī in *al-Sunan*, 2:308 §2504; and al-Ḥākim in *al-Mustadrak*, 2:154 §2631. Al-Ḥākim said, ‘This is a tradition with a rigorously authentic

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‘Abd Allāh b. ‘Umar رضي الله عنه reported that the Prophet ﷺ said,

مَنْ قَتَلَ مُعَاهِدًا لَمْ يَرِحْ رَائِحَةَ الْجَنَّةِ، وَإِنَّ رِيحَهَا تَوْجَدُ مِنْ مَسِيرَةِ أَرْبَعِينَ عَامًا.

‘Anyone who kills a non-Muslim under treaty [*mu‘āhad*] will not smell the fragrance of Paradise, even though its fragrance can be smelt at a distance of forty years’.¹

Therefore, the one who unjustly murders a non-Muslim citizen will not approach Paradise; rather, he will be kept away from it by a distance of forty years. Commenting on this hadith, Anwar Shāh Kāshmirī writes in his book *Fayḍ al-Bārī*:

قَوْلُهُ ﷺ: مَنْ قَتَلَ مُعَاهِدًا لَمْ يَرِحْ رَائِحَةَ الْجَنَّةِ، وَمُخَّ الْحَدِيثِ: إِنَّكَ أَيُّهَا الْمُخَاطَبُ: قَدْ عَلِمْتَ مَا فِي قَتْلِ الْمُسْلِمِ مِنَ الْإِثْمِ، فَإِنَّ شَتَاعَتَهُ بَلَغَتْ مَبْلَغَ الْكُفْرِ، حَيْثُ أَوْجَبَ التَّخْلِيدَ. أَمَّا قَتْلُ مُعَاهِدٍ، فَأَيْضًا لَيْسَ بِهِيْنِ، فَإِنَّ قَاتِلَهُ أَيْضًا لَا يَجِدُ رَائِحَةَ الْجَنَّةِ.

Regarding his statement ﷺ, ‘Anyone who kills a non-Muslim under treaty [*mu‘āhad*] will not smell the fragrance of Paradise, even though its fragrance can be smelt at a distance of forty years’, the quintessential meaning of it, dear brother, can be expressed as such: You know the gravity of sin for killing a Muslim, for its odiousness has reached the point of disbelief, and it necessitates that [the killer abides in Hell] forever. As for killing a non-Muslim citizen [*mu‘āhad*], it is similarly no small matter, for the one who does it will not smell the fragrance of Paradise.²

chain of transmission’.

¹ Narrated by al-Bukhārī in *al-Ṣaḥīḥ: Kitāb al-jizya* [The Book of Taxation for Non-Muslims Living in an Islamic State], chapter: ‘The Sin of Someone Who Kills a Non-Muslim Citizen Without His Having Committed a Crime’, 3:1155 §2995; Ibn Mājah in *al-Sunan: Kitāb al-diyāt* [The Book of Blood Money], chapter: ‘Someone Who Kills a Non-Muslim Citizen’, 2:896 § 2686; al-Bazzār in *al-Musnad*, 6:368 §2383.

² Anwar Shāh Kāshmirī, *Fayḍ al-Bārī ‘alā Ṣaḥīḥ al-Bukhārī*, 4:288.

3.4 THE UNLAWFULNESS OF KILLING FOREIGN DELEGATES AND RELIGIOUS LEADERS

Islam teaches peace and tolerance in national and international affairs. According to the teachings of the Qur'ān and hadith, it is forbidden to kill a diplomat hailing from a hostile nation who comes to a Muslim state for the purpose of diplomacy. Many non-Muslim diplomats and delegates would come to the Prophet ﷺ on various occasions and he not only treated them with the utmost respect, but also instructed his Companions to treat them well. It is even recorded that the representatives of Musaylama the liar, a false claimant to prophethood, visited the Prophet ﷺ and confessed to their apostasy, yet the Prophet ﷺ treated them well because they were diplomats. 'Abd Allāh b. Mas'ūd رضي الله عنه said,

إِنِّي كُنْتُ عِنْدَ رَسُولِ اللَّهِ ﷺ جَالِسًا إِذْ دَخَلَ هَذَا (عَبْدُ اللَّهِ بْنُ نُوَاحَةَ) وَرَجُلٌ
وَأُفِدَيْنِ مِنْ عِنْدِ مُسَيْلَمَةَ. فَقَالَ لَهُمَا رَسُولُ اللَّهِ ﷺ: أَتَشْهَدَانِ أَنِّي رَسُولُ اللَّهِ؟
فَقَالَا لَهُ: نَشْهَدُ أَنَّ مُسَيْلَمَةَ رَسُولُ اللَّهِ، فَقَالَ: آمَنْتُ بِاللَّهِ وَرَسُولِهِ، لَوْ كُنْتُ قَاتِلًا
وَأُفِدًا لَقَتَلْتُكُمَا.

'I was in the presence of God's Messenger ﷺ when this man [ʿAbd Allāh b. Nuwāḥa] and another man came as official representatives of Musaylama (the liar). The Messenger of God ﷺ asked them, "Do you bear witness that I am the Messenger of God?" They said to him, "We bear witness that Musaylama is the Messenger of God!" The Messenger of God ﷺ said to them, "I believe in God and His Messengers. Were I to execute ambassadors, I would have executed both of you".¹

See that despite the apostasy and disbelief of Musaylama's followers, extreme tolerance was shown towards them. They were not punished in any way. Because they were diplomats, they were

¹ Narrated by al-Dārimī in *al-Sunan*, 2:307 §2503; Aḥmad b. Ḥanbal in *al-Musnad*, 1:404 §3837; al-Nasā'ī in *al-Sunan al-kubrā*, 5:205 §8675; Abū Ya'la in *al-Musnad*, 9:31 §5097; and al-Ḥākim in *al-Mustadrak*, 3:54 §4378.
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neither imprisoned nor ordered to be killed.

According to a narration in the *Musnad* of Aḥmad b. Ḥanbal,¹ the *Muṣannaf* of ʿAbd al-Razzāq [al-Ṣanʿānī]² and the *Musnad* of al-Bazzār,³ it is impermissible to kill either diplomats or their diplomatic staff.

The aforementioned hadith establishes that safeguarding the life of diplomats and foreign representatives is the Sunna of the Prophet ﷺ. ʿAbd Allāh b. Masʿūd ؓ said,

فَجَرَتْ سُنَّةُ أَنْ لَا يُقْتَلَ الرَّسُولُ.

‘It is an established Sunna that ambassadors are not to be killed’.⁴

This statement of the Messenger of God ﷺ set the precedent in international law with respect to diplomatic protection. This further illustrates that all the personnel staffed in an embassy on diplomatic assignments are entitled to the same treatment, and it is impermissible to kill them. In recent years in Pakistan and other parts of the world there have been a number of incidents where foreign diplomats and engineers have been kidnapped and killed. Unfortunately, those who commit these actions continue to call themselves *Mujāhidūn* [those who wage martial jihad] despite the fact that their actions completely contravene the teachings of the Prophet ﷺ.

Just as foreign diplomats enjoy sanctity and protection in Islamic law, so too do non-Muslim religious leaders; it is strictly forbidden to kill them. ʿAbd Allāh b. ʿAbbās ؓ said,

كَانَ رَسُولُ اللَّهِ ﷺ إِذَا بَعَثَ جُيُوشَهُ قَالَ: لَا تَعْدِرُوا، وَلَا تَغْلُوا، وَلَا تُمَثِّلُوا، وَلَا تَقْتُلُوا الْوُلْدَانَ وَلَا أَصْحَابَ الصَّوَامِعِ.

‘When the Messenger of God ﷺ would dispatch his troops

¹ Narrated by Aḥmad b. Ḥanbal in *al-Musnad*, 1:390, 396 §3708, 3761.

² Narrated by ʿAbd al-Razzāq in *al-Muṣannaf*, 10:196 §18708.

³ Narrated by al-Bazzār in *al-Musnad*, 5:142 §1733.

⁴ Narrated by Aḥmad b. Ḥanbal in *al-Musnad*, 1:390 §3708.

he would say [to them], “Do not act treacherously, do not steal the spoils of war, do not disfigure the dead bodies, and do not kill children and priests”.’¹

This hadith establishes that, even during times of war—let alone in normal circumstances—it is impermissible to kill religious leaders.

3.5 THE RETRIBUTION [QIṢĀṢ] OF MUSLIMS AND NON-MUSLIMS IS THE SAME

In Islam, retribution is necessary when someone murders someone else intentionally, whether the victim is Muslim or non-Muslim; however, the payment of monetary compensation [*diya*] is obligatory if it was an accidental killing. God says:

﴿وَلَكُمْ فِي الْقِصَاصِ حَيَوةٌ يَا أُولِيَ الْأَلْبَابِ لَعَلَّكُمْ تَتَّقُونَ﴾

‘And there is a [guarantee of] life for you in retribution, O wise people, so that you may guard [against bloodshed and destruction]’.²

Regarding unintentional killing, God says,

﴿مَنْ قَتَلَ مُؤْمِنًا خَطَاً فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَدِيَّةٌ مُسَلَّمَةٌ إِلَى أَهْلِهِ إِلَّا أَنْ يَصَدَّقُوا﴾

‘Whoever kills a Muslim unintentionally shall [be liable to] free a male or female Muslim and pay blood money, to be handed over to the heirs of the person slain, unless they forgive it’.³

In the former verse, retribution, or the command to kill the murderer for his crime of murder, has been described. There is a complete consensus amongst the Muslim community that the unjust killer should be killed by way of retribution, unless the

¹ Narrated by Aḥmad b. Ḥanbal in *al-Musnad*, 1:330 §2728; Ibn Abī Shayba in *al-Muṣannaf*, 6:484 §33132; Abū Ya‘lā in *al-Musnad*, 4:422 §2549; and mentioned by Ibn Rushd in *Bidāyat al-mujtahid*, 1:281.

² Qur’ān 2:179.

³ Ibid., 4:92.

heirs of the killed pardon the killer. The latter verse mentions monetary compensation. In Islamic law, if someone accidentally and unintentionally kills someone else, he or she is ordered to pay blood money to the heirs of the killed.

‘Abd al-Raḥmān b. Baylamānī رحمته said,

أَنَّ رَجُلًا مِّنَ الْمُسْلِمِينَ قَتَلَ رَجُلًا مِّنْ أَهْلِ الْكِتَابِ، فَرَفَعَ إِلَى النَّبِيِّ ﷺ، فَقَالَ رَسُولُ اللَّهِ ﷺ: أَنَا أَحَقُّ مَنْ وَفَى بِدَمِّهِ، ثُمَّ أَمَرَ بِهِ فَقُتِلَ.

‘There was a man from the Muslims who killed a man from the People of the Book.¹ The case was presented to the Prophet ﷺ and he said, “I am most responsible of all for fulfilling the rights of those under his care [non-Muslim citizens]”. Then he ordered [the killing of the Muslim killer by way of retribution] and he was killed’.²

The Prophet ﷺ explained retribution and monetary compensation in the following words:

مَنْ أُصِيبَ بِقَتْلِ أَوْ خَبَلٍ، فَإِنَّهُ يَخْتَارُ إِحْدَى ثَلَاثٍ: إِمَّا أَنْ يَقْتَصَّ، وَإِمَّا أَنْ يَغْفُو، وَإِمَّا أَنْ يَأْخُذَ الدِّيَّةَ. فَإِنْ أَرَادَ الرَّابِعَةَ فَخُذُوا عَلَى يَدَيْهِ ﴿فَمَنْ أَعْتَدَى بَعْدَ ذَلِكَ فَلَهُ عَذَابٌ أَلِيمٌ﴾.

‘If someone’s relative is killed, or if one of his extremities is cut off, he may choose one of three options: he may retaliate, forgive or receive compensation. But if he wishes a fourth [something that exceeds the bounds set by the Shariah], you must hold him back [for God says,] “*After this, whoever exceeds the limits shall receive a painful punishment*” [Qur’ān 5:94].’³

¹ *Ahl al-Kitāb*, or, ‘the People of the Book’, is a term designating the Jews and the Christians. Ed.

² Cited by al-Shāfi‘ī in *al-Musnad*, p. 343; narrated by Abū Nu‘aym in *Musnad Abī Ḥanīfa*, p. 104; cited by al-Shaybānī in *al-Mabsūṭ*, 4:488; and narrated by al-Bayhaqī in *al-Sunan al-kubrā*, 8:30 §15696.

³ Narrated by Abū Dāwūd in *al-Sunan: Kitāb al-diyāt* [The Book of Blood Money], chapter: ‘The Leader Should Urge Forgiveness in the Matter of Shedding Screen View Only—Click to get a hard copy: <http://www.MinhajPublications.com>

It is clearly established from these prophetic traditions that Muslims and non-Muslims share an equal status with respect to monetary compensation and retribution. According to one report, ‘Alī b. Abī Ṭālib رضي الله عنه said,

إِذَا قَتَلَ الْمُسْلِمُ النَّصْرَانِيَّ قُتِلَ بِهِ.

‘If a Muslim kills a Christian, he should be killed in retribution’.¹

The Prophet ﷺ also granted non-Muslims the same rights with regard to monetary compensation. He ﷺ said,

دِيَةُ الْيَهُودِيِّ وَالنَّصْرَانِيِّ وَكُلِّ ذِمِّيٍّ مِثْلُ دِيَةِ الْمُسْلِمِ.

‘The blood money for a [peaceful] Jew, a Christian and every non-Muslim citizen is like that of the Muslim [i.e., their heirs receive the same amount of monetary compensation as a Muslim family]’.²

Imam Abū Ḥanīfa رحمته الله said,

دِيَةُ الْيَهُودِيِّ وَالنَّصْرَانِيِّ وَالْمَجُوسِيِّ مِثْلُ دِيَةِ الْحُرِّ الْمُسْلِمِ.

‘The blood money for a [peaceful] Jew, Christian or Zoroastrian is equal to that of a free Muslim’.³

Imam Ibn Shihāb al-Zuhrī said,

إِنَّ دِيَةَ الْمُعَاهِدِ فِي عَهْدِ أَبِي بَكْرٍ وَعُمَرُ وَعُثْمَانُ رضي الله عنهم مِثْلُ دِيَةِ الْحُرِّ الْمُسْلِمِ.

‘During the reigns of Abū Bakr, ‘Umar, ‘Uthmān and ‘Alī رضي الله عنهم, the blood money for a non-Muslim citizen was equal to that of a free Muslim’.⁴

Blood’, 4:169 §4496; and ‘Abd al-Razzāq in *al-Muṣannaf*, 10:86 §18454.

¹ Cited by al-Shaybānī in *al-Ḥujja*, 4:349; and al-Shāfi‘ī in *al-Umm*, 7:320.

² Narrated by ‘Abd al-Razzāq in *al-Muṣannaf*, 10:97–98; and cited by Ibn Rushd in *Bidāyat al-mujtahid*, 2:310.

³ Narrated by Ibn Abī Shayba in *al-Muṣannaf*, 5:407 §27448; and ‘Abd al-Razzāq in *al-Muṣannaf*, 10:95, 97, 99.

⁴ Cited by al-Shaybānī in *al-Ḥujja*, 4:351; and al-Shāfi‘ī in *al-Umm*, 7:321.

The position of the Ḥanafī school of jurisprudence is that a Muslim should be killed in retribution for killing a non-Muslim citizen. This position is supported by the general import of the texts within the Qur'ān and hadith, which make retribution obligatory. Muslim and non-Muslim blood shares an equal amount of inviolability and sanctity, without any discrimination. Imam al-Nakha'ī, Ibn Abī Laylā, al-Sha'ibī and 'Uthmān al-Battī also share this view held by the Ḥanafī school.

A doubt may emerge from hearing the saying of the Prophet ﷺ,

لَا يُقْتَلُ مُسْلِمٌ بِكَافِرٍ.

‘A Muslim is not to be killed in retaliation for murdering a disbeliever’.¹

So what does it mean? The jurists explained this and said that here the word ‘disbeliever’ does not imply a peaceful citizen: it signifies a combatant who is killed. There is to be no retribution in this case. This is an international law in effect in all countries of the world and there is no difference of opinion about it.

The great jurist and Qur'ānic exegete, Imam al-Jaṣṣāṣ, stated that in this hadith, ‘a disbeliever’ means the non-Muslim in a state of war. It does not mean the non-Muslim who is a citizen of an Islamic state or a peaceful non-Muslim citizen of a non-Muslim state.²

3.6 THE UNLAWFULNESS OF HARMING A NON-MUSLIM CITIZEN OUT OF REVENGE

According to the Qur'ān and Sunna, every person is responsible for his or her actions. According to this rule, only the doer of an act of injustice is liable to punishment, and no one else can be held responsible for that. The punishment for his or her crime cannot be awarded to his or her family, friends or tribe. God says,

¹ Narrated by al-Bukhārī in *al-Ṣaḥīḥ: Kitāb al-ʿilm* [The Book of Knowledge], chapter: ‘On Writing Down Knowledge’, 1:53 §III.

² Cited by Abū Bakr al-Jaṣṣāṣ in *Aḥkām al-Qur'ān*, chapter: ‘A Muslim’s Murder of a Disbeliever’, pp. 140–144.

﴿وَلَا تَكْسِبُ كُلُّ نَفْسٍ إِلَّا عَلَيْهَا وَلَا تَزِرُ وَازِرَةٌ وِزْرَ أُخْرَىٰ ثُمَّ إِلَىٰ رَبِّكُم مَّرْجِعُكُمْ
فَيُنَبِّئُكُم بِمَا كُنتُمْ فِيهِ تَخْتَلِفُونَ﴾

*‘And whatever [sin] each soul earns [its evil outcome] falls back upon it. And no bearer of burden will bear another’s burden. Then you are to return to your Lord alone, and He will inform you of that wherein you used to differ’.*¹

Islam does not allow anyone to punish common people for the oppressive actions of oppressors. The Prophet ﷺ said,

لَا يُؤْخَذُ مِنْهُمْ رَجُلٌ يَظْلِمُ آخَرَ.

*‘No man amongst them [the peaceful non-Muslim citizens] shall be punished as a penalty for the injustice of a coreligionist’.*²

All of this clearly demonstrates that those who seek to exact revenge by terrorising and killing people from other nations oppose and violate the manifest Qur’ānic injunctions and prophetic traditions.

3.7 THE UNLAWFULNESS OF USURPING THE WEALTH OF NON-MUSLIMS

In Islam, it is unlawful to usurp the wealth of others. God says,

﴿وَلَا تَأْكُلُوا أَمْوَالَكُم بَيْنَكُم بِالْبَاطِلِ وَتُدْلُوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا مِّنْ أَمْوَالِ
النَّاسِ بِالْإِثْمِ وَأَنتُمْ تَعْلَمُونَ﴾

‘And do not eat up one another’s wealth amongst yourselves through injustice, nor take wealth to the authorities [as a bribe] so that, this way, you may swallow

¹ Qur’ān 6:164.

² Cited by Abū Yūsuf in *Kitāb al-kharāj*, p. 78; and al-Balādhurī in *Futūḥ al-buldān*, p. 90.

a portion of others' wealth unfairly, while you are aware [that this is a sin]'.¹

The Prophet ﷺ has also forbidden the pilfering of others' wealth and property. He said,

إِنَّ دِمَاءَكُمْ وَأَمْوَالَكُمْ عَلَيْكُمْ حَرَامٌ.

'Indeed, your blood and your property are unlawful to you'.²

Like the life of non-Muslim citizens, the protection of their property is also the responsibility of the Muslim state. There is a consensus amongst the Muslims over this matter. Imam Abū 'Ubayd al-Qāsim b. Sallām, Ibn Zanjawayh, Ibn Sa'd and Abū Yūsuf have all cited the provision of the Prophet's agreement with the Christians of Najran:

وَلَنَجْرَانَ وَحَاشِيَتَيْهَا جَوَارُ اللَّهِ وَذِمَّةُ مُحَمَّدٍ رَسُولِ اللَّهِ ﷺ، عَلَى أَمْوَالِهِمْ وَأَنْفُسِهِمْ وَأَرْضِهِمْ وَمِلَّتِهِمْ، وَعَائِيهِمْ وَشَاهِدِهِمْ، وَعَشِيرَتِهِمْ وَبَيْعِهِمْ، وَكُلِّ مَا تَحْتَ أَيْدِيهِمْ مِنْ قَلِيلٍ أَوْ كَثِيرٍ.

'Indeed, Najran and her allies are under the protection of God and the guarantee of the Messenger of God ﷺ. They are to be protected in their wealth, lives, lands and religion; this includes those who are present and those who are absent amongst them; and their families, goods and everything in their possession, be it plentiful or scarce'.³

The letter 'Umar wrote to Abū 'Ubayda رضي الله عنه, the then Governor of Syria, also contains similar provisions,

¹ Qur'ān 2:188.

² Narrated by al-Bukhārī in *al-Ṣaḥīḥ: Kitāb al-Ḥajj* [The Book of Pilgrimage], chapter: 'The Sermon During the days of Mina', 2:620 §1654.

³ Cited by Abū Yūsuf in *al-Kharāj*, 78; Abū 'Ubayd al-Qāsim b. Sallām in *Kitāb al-amwāl*, p. 244–245 §503; Ibn Sa'd in *al-Ṭabaqāt al-kubrā*, 1:288, 358; Ibn Zanjawayh in *Kitāb al-amwāl*, pp. 449–450 §732; and al-Balādhurī in *Futūḥ al-buldān*, p. 90.

وَأَمْنَعِ الْمُسْلِمِينَ مِنْ ظُلْمِهِمْ، وَالْإِضْرَارِ بِهِمْ، وَأَكْلِ أَمْوَالِهِمْ إِلَّا بِحِلِّهَا.

‘See to it that you prohibit the Muslims [under your command] from oppressing them [the non-Muslim citizens], harming them or illegally plundering their wealth’.¹

‘Alī b. Abī Ṭālib عليه السلام said,

إِنَّمَا بَدَلُوا الْجَزِيَّةَ لِتَكُونَ دِمَاؤُهُمْ كَدِمَائِنَا وَأَمْوَالُهُمْ كَأَمْوَالِنَا.

‘The non-Muslim citizens pay the tax² so that their blood and property should be as inviolable as ours’.³

So much importance has been associated with the life, property and honour of the non-Muslim citizens that the Muslim state has been equally charged with protecting them as it protects the Muslim citizens. In fact, the Muslims have been prohibited from destroying the pork and wine belonging to non-Muslim citizens, and if they do, they must pay a fine. The famous book of Ḥanafī jurisprudence, *al-Durr al-mukhtār*, states,

يَضْمَنُ الْمُسْلِمُ قِيَمَةَ خَمْرِهِ وَخِنْزِيرِهِ إِذَا أَتْلَفَهُ.

‘The Muslim who destroys his [the Christian’s] wine and pork is legally responsible for paying its price’.⁴

Islam has forbidden theft and prescribed strict punishment for it. When a woman from the Quraysh tribe committed theft during the time of the Prophet ﷺ, he ordered the prescribed punishment to be imposed on her. When people requested him to soften the punishment he ﷺ said,

وَأَيْمُ اللَّهِ، لَوْ أَنَّ فَاطِمَةَ بِنْتَ مُحَمَّدٍ سَرَقَتْ، لَقَطَعْتُ يَدَهَا.

¹ Cited by Abū Yūsuf in *al-Kharāj*, p. 152.

² A tax levied on the non-Muslim citizens of an Islamic state in lieu of military service. Ed.

³ Cited by Ibn Qudāma in *al-Mughnī*, 9:181; and al-Zayla‘ī in *Naṣb al-rāya*, 3:381.

⁴ Al-Ḥaṣkafī, *al-Durr al-mukhtār*, 2:223; and al-Shāmī, *Radd al-muḥtār*, 3:273.

‘By God, had my daughter Fāṭima stolen, I would have applied the prescribed punishment upon her, too’.¹

Imam Yaḥyā b. Sharaf al-Nawawī writes,

إِنَّ مَالَ الدِّمِيِّ وَالْمُعَاهِدِ وَالْمُرْتَدِّ فِي هَذَا كَمَالِ الْمُسْلِمِ.

‘In this context, the wealth of the non-Muslim citizen, the non-Muslim under agreement of protection and the apostate is certainly like the wealth of a Muslim’.²

Imam Ibn Qudāma al-Ḥanbalī mentioned that the prescribed punishment should be enforced if the possessions of a non-Muslim are stolen, just as it is imposed when a Muslim’s belongings are stolen.³ Ibn Ḥazm mentioned that there is no disagreement that the prescribed punishment should be applied on the Muslim who steals the possessions of a non-Muslim citizen.⁴ Ibn Rushd said that there is a consensus on this point.⁵

The Muslim and non-Muslim citizens are equal in the eyes of Islamic law when it comes to the theft of belongings. If a Muslim steals the belongings of a non-Muslim, the prescribed punishment will be enforced upon him, and if he unlawfully seizes his wealth, a discretionary punishment from the ruler [*taʿzīr*] will be carried out. Islam has given so much importance to the belongings of non-Muslims that every item of their belongings, which they so declare, is to be safeguarded, though it may not fall in the category of belongings in the eyes of the Muslims, such as wine and pork. If anyone destroys the wine belonging to a Muslim, neither a prescribed punishment nor a discretionary punishment will be enforced against him. On the other hand, if a Muslim destroys the wine and pork belonging to a non-Muslim, he will be required to

¹ Narrated by al-Bukhārī in *al-Ṣaḥīḥ: Kitāb al-Anbiyāʾ* [The Book of the Prophets], chapter: ‘The Tradition of the Cave’, 3:1282 §3288; and Muslim in *al-Ṣaḥīḥ: Kitāb al-ḥudūd* [The Book of Prescribed Punishments], 3:1315 §1688.

² Yaḥyā al-Nawawī, *Sharḥ Ṣaḥīḥ Muslim*, 12:7.

³ Ibn Qudāma al-Maqdisī, *al-Mughnī*, 9:112.

⁴ Ibn Ḥazm, *al-Muḥallā*, 10:351.

⁵ Ibn Rushd, *Bidāyat al-mujtahid*, 2:299.

pay a fine, because both wine and pork are considered a part of the non-Muslim's belongings.

3.8 HUMILIATING NON-MUSLIM CITIZENS IS FORBIDDEN

Just as the humiliation and violation of a Muslim's dignity is forbidden in Islam, it is also forbidden to disgrace and dishonour a non-Muslim citizen. No Muslim is allowed to abuse a non-Muslim, or slander or attribute falsehood to him or her. Islam also restrains its followers from making mention of any flaw in the person of a non-Muslim, which may be associated with his or her self, family or lineage.

Once, the son of ʿAmr b. al-ʿĀṣ, the Governor of Egypt, punished a non-Muslim unjustly. When a complaint of this injustice reached Caliph ʿUmar رضي الله عنه, he made the non-Muslim Egyptian publically exact the same punishment upon the Governor's son, and uttered the historic sentence, which according to some researchers characterized the struggle during the French Revolution:

مَتَى اسْتَعْبَدْتُمْ النَّاسَ وَقَدْ وَلَدْتَهُمْ أُمَّهَاتُهُمْ أَحْرَارًا؟

‘Since when have you regarded people as your slaves, while their mothers gave birth to them as free men?’¹

Harming a non-Muslim citizen with one's tongue and hands and abusing him or her is no less forbidden than doing so to a Muslim. In *al-Durr al-mukhtār* it is stated:

يَجِبُ كَفُّ الْأَذَى عَنْهُ وَتَحْرُمُ غِيْبَتُهُ كَالْمُسْلِمِ.

‘All harm must be kept from him [the non-Muslim citizen] and it is forbidden to backbite him—just as it is for a Muslim’.²

Imam Shihāb al-Dīn al-Qarāfī, the famous Mālikī jurist, wrote in his book *al-Furūq* about the rights of non-Muslim citizens:

¹ Narrated by al-Hindī in *Kanz al-ʿummāl*, 2:455.

² Al-Ḥaṣkafī, *al-Durr al-mukhtār*, 2:223; Ibn ʿĀbidīn al-Shāmī, *Radd al-muḥtār*, 3:273–274.

إِنَّ عَقْدَ الذِّمَّةِ يُوجِبُ لَهُمْ حُقُوقًا عَلَيْنَا، لِأَنَّهُمْ فِي جَوَارِنَا وَفِي خَفَارَتِنَا (حِمَايَتِنَا) وَذِمَّتِنَا وَذِمَّةَ اللَّهِ تَعَالَى، وَذِمَّةَ رَسُولِ اللَّهِ ﷺ، وَدِينِ الْإِسْلَامِ. فَمَنْ اعْتَدَى عَلَيْهِمْ وَلَوْ بِكَلِمَةٍ سَوْءٍ أَوْ غِيْبَةٍ، فَقَدْ صَيَعَ ذِمَّةَ اللَّهِ، وَذِمَّةَ رَسُولِهِ ﷺ، وَذِمَّةَ دِينِ الْإِسْلَامِ.

The *dhimma* contract for non-Muslims establishes certain rights that they have upon us because they live in proximity to us and are under our protection and care and the care of God and the Messenger of God ﷺ and the religion of Islam. So whoever transgresses against them—even if by an evil word or through backbiting—has neglected the guarantee of God, His Messenger ﷺ and the religion of Islam.¹

Ibn ʿĀbidīn al-Shāmī writes about the rights of non-Muslim citizens:

لِأَنَّهُ بِعَقْدِ الذِّمَّةِ وَجِبَ لَهُ مَا لَنَا، فَإِذَا حُرِّمَتْ غِيْبَةُ الْمُسْلِمِ حُرِّمَتْ غِيْبَتُهُ، بَلْ قَالُوا: إِنَّ ظُلْمَ الذِّمِّيِّ أَشَدُّ.

That is because due to the contract about non-Muslims, he [a non-Muslim] deserves the same rights as we do; and since it is unlawful to backbite a Muslim, it is also unlawful to backbite him [a non-Muslim]. Nay, they [the jurists] have said that oppression meted out to a non-Muslim citizen is even severer [in sin].²

Al-Kāsānī regarded the rights of Muslims and non-Muslims as equal in his book *Badāʾiʿ al-ṣanāʾiʿ*:

لَهُمْ مَا لَنَا وَعَلَيْهِمْ مَا عَلَيْنَا.

‘Non-Muslim citizens enjoy the same rights that are enjoyed by us (Muslims), and they have the same responsibilities as we do’.³

¹ Al-Qarāfī, *al-Furūq*, 3:14.

² Ibn ʿĀbidīn al-Shāmī in *Radd al-muḥtār*, 3:273, 274.

³ Narrated by al-Kāsānī in *Badāʾiʿ al-ṣanāʾiʿ*, 7:111.

The aforementioned sayings of the jurists prove that it is the collective responsibility of all Muslims to protect the honour of non-Muslim citizens.

The Prophet ﷺ enjoined his followers to treat non-Muslim citizens with excellence. It is the duty of the Islamic state to guarantee the protection of the non-Muslim citizens against oppression, wrongs and excesses. If the Islamic state fails to deliver justice and security to its non-Muslim citizens, the Prophet ﷺ declared that he would be the advocate of such oppressed people and that he would restore to them their rights on the Day of Judgment.

The Prophet ﷺ said,

أَلَا مَنْ ظَلَمَ مُعَاهِدًا، أَوْ انْتَقَصَهُ، أَوْ كَلَّفَهُ فَوْقَ طَاقِهِ، أَوْ أَخَذَ مِنْهُ شَيْئًا بِغَيْرِ طِيبِ نَفْسٍ، فَأَنَا حَاجِبُهُ يَوْمَ الْقِيَامَةِ.

‘Beware! Whoever wrongs a non-Muslim citizen, or diminishes any of his rights, or imposes on him more than he can bear, or takes anything from him without his consent, I shall plead on his [the latter’s] behalf on the Day of Resurrection’.¹

The goal behind the Prophet’s saying was to make the Muslim society realize its responsibility towards the rights of its non-Muslim citizens, so that they do not falter in discharging this duty.

3.9 THE PROTECTION OF NON-MUSLIM CITIZENS FROM INTERNAL AND EXTERNAL AGGRESSION

According to Islamic law, the protection of non-Muslim citizens is one of the duties of the state. If any person—irrespective of his association with any nation, religion or state—commits aggression against a non-Muslim citizen and oppresses him or her, it is the

¹ Narrated by Abū Dāwūd in *al-Sunan: Kitāb al-kharāj wa al-imāra wa al-fayʾ* [The Book on the Land Tax, Leadership and Spoils Acquired without Fighting], 3:170 §3052; al-Bayhaqī in *al-Sunan al-kubrā*, 9:205 §18511; and al-Mundhirī in *al-Targhib wa al-tarhib*, 4:7 §4558. Al-ʿAjlūnī said in *Kashf al-khafāʾ* that the chain of this tradition is good [*ḥasan*] (2:342).

responsibility of the state to protect that non-Muslim citizen, even if such protection entails entering into a war. God says,

﴿وَأَخَذْنَا الَّذِينَ ظَلَمُوا بِعَدَابِ بَيْسٍ بِمَا كَانُوا يَفْسُقُونَ﴾

*‘And We seized [the rest of] the people who committed injustice [actively or passively] with a very harsh punishment because they were disobeying’.*¹

The Qur’ān threatens with torment those who oppress others, but it gives an ever harsher warning to those who allow oppression to go unchallenged.

Islam has laid great emphasis on the protection of non-Muslim citizens against internal violence and oppression and has made their protection the duty of the Islamic state. Islam does not allow any Muslim citizen to encroach upon the rights of non-Muslim citizens or resort to oppression and violence against them, verbally or physically.

There are many Qur’ānic verses and prophetic traditions that reveal the calamitous repercussions and painful results of atrocities and oppression, in this world and in the Hereafter. Special injunctions prohibit oppressing non-Muslim citizens in particular.

A hadith reported in the *Sunan* of Abū Dāwūd has already been mentioned in which the Prophet ﷺ declared that, on the Day of Judgment, he will act as an advocate for the oppressed. Another hadith dealing with the same subject has been reported by ‘Abd Allāh b. Mas‘ūd رضي الله عنه in which the Prophet ﷺ said,

مَنْ آذَى دِمِيًّا فَأَنَا خَصْمُهُ، وَمَنْ كُنْتُ خَصْمُهُ، خَصْمَتُهُ يَوْمَ الْقِيَامَةِ.

*‘Whoever hurts a non-Muslim citizen, I shall be his opponent. And when I am someone’s adversary, I shall overcome him on the Day of Resurrection’.*²

¹ Qur’ān 7:165.

² Narrated by al-Khaṭīb al-Baghḍādī in *Tārīkh Baghdād* with an excellent chain of transmission (8:370); and cited by Badr al-Dīn al-‘Aynī in *Umdat al-qārī*, 15:89.

The contemporary nation-states are responsible for taking all necessary measures to safeguard the lives of their citizens, including Muslims and non-Muslims, against any external aggression or war. Since the government is the repository of legal, political and economic powers coupled with military power, it is obligatory on the governments to take all required steps for their protection against any internal danger. ‘Alī عليه السلام, the Leader of the Faithful, said,

إِنَّمَا بَدَلُوا الْجَزِيَّةَ لِتَكُونَ دِمَاؤُهُمْ كَدِمَائِنَا وَأَمْوَالُهُمْ كَأَمْوَالِنَا.

‘The non-Muslim citizens pay the tax so that their blood and property should be as inviolable as ours’.¹

One of the books of Ḥanbalī jurisprudence, *Maṭālib ūlī al-nuhā*, states,

هَذَا مِنْ وَاجِبَاتِ الدَّوْلَةِ الْإِسْلَامِيَّةِ أَنَّهَا تُوفِّرُ لِلذَّمَمِيِّينَ ضَمَانًا كَامِلًا بِكَوْنِهِمْ سُكَّانَ الدَّوْلَةِ الْإِسْلَامِيَّةِ.

‘It is the duty of the Muslim government to give complete protection to its non-Muslim citizens against suffering and torture of every kind, because of their being residents in the Islamic state’.²

If any external power chooses to flex its military muscle against the non-Muslim citizens of an Islamic state and aims to attack them in any manner, it is incumbent upon the Islamic government to take urgent measures to protect them. In his book *al-Furūq*, Imam al-Qarāfī quoted a saying of Ibn Ḥazm from his book *Marātib al-ijmāʿ*,

وَجِبَ عَلَيْنَا أَنْ نَخْرُجَ لِقِتَالِهِمْ بِالْكُرَاعِ وَالسَّلَاحِ وَنَمُوتَ دُونَ ذَلِكَ.

‘It is obligatory for us to go out and wage war against them [who aggress against the non-Muslim citizens of an

¹ Cited by Ibn Qudāma al-Maqdisī in *al-Mughnī*, 9:181; and al-Zaylaʿī in *Naṣb al-rāya*, 3:381.

² Muṣṭafā b. Saʿd, *Maṭālib ūlī al-nuhā*, 2:602–603.

Islamic state] with military might, even though we may die in the process'.¹

This is also the viewpoint of Ibn Taymiyya. When the Mongols occupied Syria, Ibn Taymiyya went to the king for the release of the prisoners. The Mongol leadership showed their willingness to release the Muslim prisoners, but refused to release the non-Muslim citizens. Ibn Taymiyya said, 'We will not be happy unless all the prisoners from amongst the Jews and the Christians are released. They are our non-Muslim citizens and we will not leave any of our prisoners in captivity, whether they belong to the non-Muslim or Muslim population'. When the king saw the force of Ibn Taymiyya's arguments and his unrelenting insistence, he ordered the release of all Muslim and non-Muslim prisoners.²

It is clear in the light of the Qur'ānic verses, prophetic traditions and sayings of the jurists that no Muslim has the right to kill a non-Muslim citizen merely on the basis of his being non-Muslim, and it is unlawful to plunder his wealth or dishonour him. In addition, Islam not only guarantees the protection of the life, honour and property of non-Muslim citizens, but it also gives complete protection to their places of worship.

¹ Shihāb al-Dīn al-Qarāfī, *al-Furūq*, 3:14–15.

² Ibn Taymiyya, *Majmū'a al-fatāwā*, 28:617–618.